

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MICHELLE MORELLI, individually *

and on behalf of all others similarly *

situated,

Plaintiff, *

v. * **Case No.: 8:22-cv-00292-GJH**

JIM KOONS MANAGEMENT *

COMPANY, dba JIM KOONS

AUTOMOTIVE COMPANIES, *

Defendant. *

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Plaintiff Michelle Morelli, and proposed Representative Plaintiffs Bianca Wenck and Iris Perez, individually and behalf of others similarly situated ("Plaintiffs"), hereby move this Court to:

1. Preliminarily approve the settlement described in the "Settlement Agreement" between Representative Plaintiffs and Jim Koons Management Company, dba Jim Koons Automotive Companies ("Defendant"), and the attachments thereto (including the Claim Form, the Short Form Notice, the Long Form Notice, the Proposed Preliminary Approval Order, the Proposed Final Approval Order, and the proposed Exclusion Form, filed herewith in support of this Motion as fair, reasonable, and adequate;
2. Provisionally certify the Settlement Class pursuant to Rule 23 for settlement purposes only;
3. Approve the Notice Program set forth in the Settlement Agreement, including the form and content of the notices attached to the Settlement Agreement as Exhibits B and C;

4. Designate Plaintiffs Michelle Morelli, Bianca Wenck, and Iris Perez as Class Representatives;

5. Appoint David K. Lietz of Milberg Coleman Bryson Phillips Grossman, PLLC and Terence R. Coates of Markovits Stock DeMarco as Class Counsel;

6. Approve the retention of Kroll Settlement Administration LLC as Notice Specialist and Claims Administrator;

7. Approve the procedures set forth in Sections 12 and 13 of the Settlement Agreement (Exhibit 2 to the supporting Memorandum) for Settlement Class Members to exclude themselves from the Settlement Class or object to the Settlement;

8. Approve the use of a claim form substantially similar to that attached as Exhibit A to the Settlement Agreement, filed herewith;

9. Further stay the Action of otherwise adjourn litigation deadlines pending Final Approval of the Settlement;

10. Stay and/or enjoin, pending Final Approval of the Settlement, any actions brought by Settlement Class Members concerning a Released Claim; and

11. Schedule a Final Approval Hearing for a time and date convenient for the Court, at which the Court will conduct an inquiry into the fairness of the Settlement, final approval of the Settlement and consideration of Settlement Class Counsel's Motion for Award of Fees, Expenses, Expenses, and Service Awards for the Class Representatives.

This Motion is based upon: (1) this Motion; (2) the Memorandum in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement; (3) the Declaration of

David K. Lietz filed herewith; (4) the Settlement Agreement; (5) the Notices of Class Action Settlement (both Short and Long Form); (6) the Claim Form; (7) the [Proposed] Order Granting Preliminary Approval of Class Action Settlement; (8) the [Proposed] Final Approval Order; (9) the records, pleadings, and papers filed in this action; and (10) upon such other documentary and oral evidence or argument as may be presented to the Court at or prior to the hearing of this Motion.

October 14, 2022

/s/Thomas Pacheco

Thomas Pacheco (# 21639)

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

15453 Indianola Drive

Derwood, MD 20855

(t) 443.980.6119

(f) 202.686.2877

tpacheco@milberg.com

David K. Lietz (pro hac vice)

MILBERG COLEMAN BRYSON

PHILLIPS GROSSMAN, PLLC

5335 Wisconsin Avenue NW, Suite 440

Washington, D.C. 20015-2052

(t) 202.744.1795

(f) 202.686.2877

dlietz@milberg.com

Terence R. Coates (pro hac vice)

MARKOVITS, STOCK & DEMARCO, LLC

3825 Edwards Road, Suite 650

Cincinnati, OH 45209

(t) 513.651.3700

(f) 513.665.0219

tcoates@msdlegal.com

Attorneys for Plaintiff Michelle Morelli and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on October 14, 2022, I electronically filed the foregoing document using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ Thomas Pacheco
Thomas Pacheco